

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENNETH DUANE MANNING,

Plaintiff,

vs.

STATE OF NEVADA,

Defendant.

2:12-cv-0174-JCM-CWH

ORDER

This is a civil rights action submitted by the plaintiff. However, under 28 U.S.C. § 1915(g), Manning has been banned from filing actions *in forma pauperis* unless he can show he is in imminent danger of serious physical injury. Manning was advised to amend his complaint, if he could, to show such imminent harm. The original complaint alleged denial of his First Amendment right to marry someone of the same sex or to be allowed to have sexual relations in private. The amended complaint, filed in response to the court's order denying *in forma pauperis* appears to abandon his First Amendment claim and instead alleges an equal protection violation on the basis that an employee of the State of Nevada has a "thing for Ms. Mouton" and is therefore retaliating against plaintiff and "has put [him] in imminent danger of serious physical injury." The complaint alleges nothing else except that the employee "is not doing his job like a professional."

1 The bald allegations are insufficient to state a claim and fail also to support the
2 allegation of imminent harm. Thus, the complaint and this action shall be dismissed without
3 prejudice.

4 **IT IS THEREFORE ORDERED** that the amended complaint is **DISMISSED**
5 **WITHOUT PREJUDICE** for failing to pay the filing fee. The clerk shall enter judgment
6 accordingly.

7 Dated April 30, 2012.

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10 UNITED STATES DISTRICT JUDGE